

STATE OF MINNESOTA

DIVISION 2 - HASTINGS

DISTRICT COURT

COUNTY OF DAKOTA

COMPLAINT-SUMMONS
FOR MISDEMEANOR
OR PETTY MISDEMEANOR

STATE OF MINNESOTA

DCSO Case No.: 13001625

Plaintiff,

Court File No.: 19-HA-CR13-2934

vs.

UOC - COUNT I: X3120

MICHELLE L. MACDONALD SHIMOTA
2800-130th Street West
Rosemount MN 55068
DOB: 11.05.61

Defendant.

COMPLAINT

The Complainant being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the above-named Defendant committed the offense described below. The Complainant states that the following facts establish PROBABLE CAUSE:

The complainant in this matter is an officer with the Dakota County Sheriff's Department, and acting in that capacity, he has conducted an investigation of this matter by reading the report prepared by Deputies, of the Dakota County Sheriff's Department, and miscellaneous documents on file with (CONTINUED)

The above facts constitute the Complainant's basis for believing that the above-named Defendant, on the 12th day of September, 2013, at Hastings, Minnesota, in the above-named County, committed the following described:

OFFENSE - COUNT I

CHARGE: _____

IN VIOLATION OF: _____

(SEE ATTACHED)

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release where applicable.

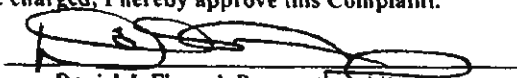
- 1) be arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) be detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant



Being duly authorized to prosecute the offense charged, I hereby approve this Complaint.

Dated: October 2, 2013.


Daniel J. Fluegel, Prosecuting Atty.

Daniel J. Fluegel, #0303112, City Prosecutor, 999 Westview Drive, Suite 1, Hastings, MN 55033
Prosecuting Atty. Name; Title; Address; Dakota County Gov. Center: 651-438-8130

the Dakota County Sheriff's Department, and from these documents your complainant has learned the following: That on September 12, 2013, the Dakota County Sheriff's Office was notified that while in a courtroom in the Dakota County Government Center in the City of Hastings, Dakota County, Minnesota, **MICHELLE L. MACDONALD SHIMOTA**, DOB: 11/05/61, took a photograph of a Dakota County Sheriff's Deputy. The Sheriff's Deputy reported that while **MICHELLE L. MACDONALD SHIMOTA** was sitting at the counsel table for a child custody hearing, she stood up near the counsel table and took a picture of the Sheriff's Deputy, and then sat down. The Sheriff's Deputy approached **MICHELLE L. MACDONALD SHIMOTA**, told her she was not allowed to take photographs inside the courtroom, and seized the camera. The camera was identified as a red Kodak, Model M863, 3X Optical Zoom digital camera. After receiving verbal authorization from the presiding judge, Dakota County Sheriff's Deputies turned on the camera and observed the picture taken of the Sheriff's Deputy. Sheriff's Deputies then returned to the courtroom and approached **MICHELLE L. MACDONALD SHIMOTA** and gave her a copy of the Minnesota General Rules of Practice, Rule 4.01, stating that no pictures or recordings shall be taken in any courtroom except for the recording made as the official court record. **MICHELLE L. MACDONALD SHIMOTA** was actively manipulating her cellular phone at the time and when asked if she was recording the conversation, **MICHELLE L. MACDONALD** told the Sheriff's Deputy "No, I'm going to take pictures with my cell phone". **MICHELLE L. MACDONALD** admitted she was taking photos for her own record. She also asked the Sheriff's Deputy what he would do if she continued taking photographs. **MICHELLE L. MACDONALD SHIMOTA** was placed under arrest for Criminal Contempt. **MICHELLE L. MACDONALD SHIMOTA** refused to go with the Sheriff's Deputies and she was escorted out of the courtroom. **MICHELLE L. MACDONALD SHIMOTA** refused to give the Sheriff's Deputies her full name and date of birth.

The above facts constitute the complainant's basis for believing that the above-named Defendant on September 12, 2013, in the City of Hastings, County of Dakota, State of Minnesota, committed the following described:

OFFENSE - COUNT 1

CRIMINAL CONTEMPT (MISDEMEANOR)
In Violation of M.S.588.20 (2)(4)

That on September 12, 2013, in the City of Hastings, Dakota County, Minnesota, **MICHELLE L. MACDONALD SHIMOTA**, then and there being, willfully disobeyed a lawful process or other mandate of the court by taking a photograph within a courtroom of the Dakota County Government Center, as prohibited by the Minnesota General Rules of Practice.

ILL
 CAROLYN M. REINH, Court Administrator

OCT 02 2013

This COMPLAINT was subscribed and sworn to before the undersigned this 2 day of October, 2013.



Print Name

Title

Linda Mischke
PSA

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps to be taken to obtain Defendants appearance in Court, or detention, if already in custody, pending further proceedings. The Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE, YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 2013, at _____ o'clock __m., before the above-named Court at _____ to answer this complaint.
(Room Number) (Place) (Address)

IF YOU FAIL TO APPEAR in response to this Summons, a warrant for your arrest may be issued.

This Complaint-Summons was sworn to, subscribed before, and issued by the undersigned authorized Issuing Officer this 2nd day of October, 2013.

Kathryn D. Messerich
Judge of District Court

Print Name Kathryn D messerich

Sworn testimony has been given before the Issuing Officer by the following witnesses:

RETURN OF SERVICE

STATE OF MINNESOTA
COUNTY OF _____

I HEREBY CERTIFY and return, that I have served a copy of this COMPLAINT-SUMMONS upon the defendant herein named.

Dated this _____ day of _____, 2013.

(Person Authorized by Law to Make Service)